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11 **UNITED STATES BANKRUPTCY COURT**
12 **DISTRICT OF NEVADA**

13 In re:

14 USA COMMERCIAL MORTGAGE
15 COMPANY,

16 USA CAPITAL REALTY ADVISORS,
17 LLC,

18 USA CAPITAL DIVERSIFIED TRUST
19 DEED FUND, LLC,

20 USA CAPITAL FIRST TRUST DEED
21 FUND, LLC,

22 USA SECURITIES, LLC,

23 Debtors.

24 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

24 Case No. BK-S-06-10725-LBR
25 Case No. BK-S-06-10726-LBR
26 Case No. BK-S-06-10727-LBR
1 Case No. BK-S-06-10728-LBR
2 Case No. BK-S-06-10729-LBR

3 CHAPTER 11

4 Jointly Administered Under Case No.
5 BK-S-06-10725 LBR

6 **MOTION FOR ORDER REQUIRING**
7 **CITIBANK (NEVADA), N.A. TO**
8 **PRODUCE A CUSTODIAN OF**
9 **DOCUMENTS AND A CORPORATE**
10 **REPRESENTATIVE FOR**
11 **EXAMINATION PURSUANT TO**
12 **FEDERAL RULE OF**
13 **BANKRUPTCY PROCEDURE 2004**

14 [No hearing required]

15 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
16 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring CitiBank
17 (Nevada), N.A. ("CitiBank") to produce a custodian of documents and a corporate
18 representative, as set forth in subpoenas issued under Federal Rule of Bankruptcy
19 Procedure 2004.

1 Procedure 9016, to appear for examination at the law office of Lewis and Roca, LLP, 3993
2 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no
3 earlier than ten (10) business days after the filing of this Motion and no later than April 30,
4 2007, or at such other mutually agreeable location, date, and time, and continuing from
5 day to day thereafter until completed.

6
7 This Motion is further explained in the following Memorandum.
8

9
Memorandum

10 The Movant seeks information concerning legal services performed by CitiBank on
11 behalf of USACM, the other debtors in the above-captioned cases (together with USACM,
12 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related
13 entities. The Movant seeks this information to assist in the collection of the assets and the
14 investigation of the liabilities of the Debtors.
15

16 The requested discovery from CitiBank is well within the scope of examination
17 permitted under Bankruptcy Rule 2004, which includes:
18

[t]he acts, conduct, or property or . . . the liabilities and financial condition
of the debtor, or . . . any matter which may affect the administration of the
debtor’s estate, or to the debtor’s right to a discharge. In a . . .
reorganization case under chapter 11 of the Code, . . . the examination may
also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.
23
24
25
26

¹ FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: April 9, 2007.

DIAMOND MCCARTHY LLP

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